



IT IS ORDERED as set forth below:

Date: October 26, 2018

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CASE NO. 17-56753
)	
6420 ROSWELL ROAD INC)	
d/b/a FLASHERS)	CHAPTER 11
)	
Debtor.)	

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**ORDER AND NOTICE
REGARDING CLOSURE OF DEBTOR'S BUSINESS**

On October 23, 2018, the Court held a hearing on the pending Confirmation of the Chapter 11 Plan of Reorganization (Doc. No. 65) and on United States Trustee's pending Motion to Convert or Dismiss the Case (Doc. No. 80).

At the hearing, Howard P. Slomka, Esq. represented the Debtor and Martin P. Ochs, Esq. represented the U.S. Trustee. Also present were Jody and Steven G. Downs as representatives of the Landlord for Debtor's business.

Slomka proffered to the Court that due to a recent ruling by the Fulton County Superior Court, Sandy Springs ordinances no longer allow adult entertainment

establishments to serve alcohol in this location, and therefore the Debtor has closed its doors permanently. Because there is no plan to reopen, Debtor's plan of reorganization is no longer feasible.

The Court considered arguments related to dismissal, conversion to chapter 7 or filing a liquidating chapter 11 plan. The Court also heard proffered testimony from Landlord, which Mr. Slomka confirmed, that post-petition rent is due for October 2018 and post-petition real estate taxes are due under the lease for 2018, through and including October.

Upon consideration of the proffered testimony and the arguments of the parties in interests, it is hereby

ORDERED and NOTICE IS HEREBY GIVEN that:

A. The hearing on all pending motions is continued until November 15, 2018 at 11:00 am in Courtroom 1401, Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303.

B. The automatic stay of 11 USC §362 shall be lifted in order to allow Landlord to evict Debtor if it remains in possession on November 25, 2018, and to take steps to re-lease the location without interference from Debtor.

C. Debtor shall be entitled to sell, at commercially reasonable prices and for the benefit of the estate, all furniture and personal property remaining in the location. Any items not sold or removed prior to turnover or writ of eviction will be deemed abandoned to the Landlord. Any creditors or parties in interest who desire to purchase any such items should contact Debtor's counsel.

D. Debtor shall retain and reserve all financial records located within the premises and in its office location in order to assist United States Trustee or other parties in interests in reviewing and confirming the financial activities of the Debtor during this case.

E. United States Trustee shall have the right to conduct discovery, including, without limitation, one or more Rule 2004 examinations of Debtor's principal and/or its bookkeepers and accountants as needed to review the post-petition financial activities.

F. Debtor shall have until November 5, 2018 to file a Motion to Dismiss the case indicating the likely distributions of the assets from the estate.

Debtor shall serve a copy of this Order and Notice upon all parties in interest and file a certificate of service upon the docket.

*** END OF ORDER ***

Prepared and presented by:

_____/s/_____
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Approved as to form:

_____/s/_____
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